

**REMARKS**

Claims 1-11 are pending in the present application. Claims 1, 2 and 6 are independent claims. Claims 6-11 stand withdrawn. By this Amendment, claims 1 and 2 are amended. Support for the amendments may be found at least at page 18, lines 15-19. Thus, no new matter is added.

**Rejections under 35 USC §112**

Claims 1-5 are rejected under 35 USC §112, second paragraph, for allegedly failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, it is alleged that the term “adapted to automatically carry out” as recited in claims 1 and 2 is unclear.

As the claims are amended to address the language in question, withdrawal of the rejection is respectfully requested.

**Rejections under 35 USC §102**

Claims 1-5 are rejected under 35 USC §102(b) as being anticipated by any of US Patent 5,778,766 to Wang, et al. (Wang); US Patent 4,762,057 to Hirota, et al. (Hirota); or US Patent 5,410,949 to Yung, et al. (Yung). The rejection is respectfully traversed.

None of the applied references disclose an automatic breadmaking apparatus automatically performing breadmaking operations from kneading to baking, the automatic for breadmaking apparatus comprising...a central control section for controlling the stirring control

section and the temperature control section in accordance with a breadmaking sequence using rice flour, wherein the central control section controls the stirring control section and the temperature control section to mix breadmaking ingrediants containing rice flour by stirring the breadmaking ingrediants sufficiently to promote the rice flour to hydrate without raising the viscosity of the breadmaking ingrediants.

Anticipation requires that each and every element of the rejected claim is found, either inherently or expressly described in a single prior art reference (MPEP §2131). Further, in rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified (37 CFR §1.104).

However, in the outstanding rejection of the pending claims, no corresponding structure is pointed out in the applied references and alleged to correspond to the subject matter cited in the rejected claims. Rather, the Office Action merely points out that features of an apparatus must be distinguished from the prior art in terms of structure, yet no structure is alleged to render the claims anticipated.

Moreover, functional language describing the various “control sections” and the “central control section” must be given patentable weight. For example, as stated in MPEP §2173.05(g), “there is nothing inherently wrong with defining some part of an invention in function terms...a functional limitation must be evaluated and considered, just like any other limitation of the

claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used.”

In this case, one of ordinary skill in the art would understand that a “control section” that performs the recited functions must be programmed or hardwired, etc., in order to be capable of performing that function. Thus, the functional limitations in the claims, which define the functions performed by the “control sections,” define the structure of the “control sections.”

Further, it is well settled that describing a controller by its function is acceptable and patentable subject matter in apparatus claims (see *In re Bradley*, 600 F.2d 1807, 202 USPQ 480 (CCPA 1979)). Moreover, “if a machine is programmed in a certain new and unobvious way, it is physically different from the machine without that program; its memory elements are differently arranged. The fact that these physical changes are invisible to the eye should not tempt us to conclude that the machine has not been changed.” (*Application of Bernhardt*, 417 F2d 1395, 1400 (1969)). Thus, the Examiner must give patentable weight to the functions of the “control sections.

Notwithstanding the deficiencies of the Office Action in failing to point out corresponding structure and clearly explain the pertinence of the reference in rejecting the claims, Applicants submit that none of the references disclose the features of the rejected claims. For example, none of Wang, Hirota or Yung disclose the central control section controls the stirring control section and the temperature control section to mix breadmaking ingredients containing rice flour by stirring the breadmaking ingredients sufficiently to promote the rice flour to hydrate without raising the viscosity of the breadmaking ingredients.

Wang discloses an automatic breadmaker having a toaster oven function. The breadmaker of Wang includes a computerized control panel 6 having a computerized controller that controls operation of a kneading motor 11 and a rotating motor 17, as well as heating elements 12 and 27 (column 4, line 62-column 5, line 5).

Hirota discloses a controller 49 that controls kneading, fermenting, breathing and baking processes (column 3, line 46-column 5, line 26).

Yung discloses an automatic breadmaker that has a ventilation system operable by a controller to circulate cooling air through the baking chamber 16 and to recirculate heated air from the upper region of the baking chamber 16 to the lower regions to accelerate heating and conserve energy.

Thus, none of the references disclose the features of the central control section as recited in the amended claims. Therefore, withdrawal of the rejection is respectfully requested.

### **CONCLUSION**


Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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